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July 4, 1956

MEMORANDUM FOR THE ATTORNEY GENERAL

I am attaching hereto a copy of a memorandum dated today which I have just received from Assistant Attorney General Olney of the Criminal Division. I particularly call your attention to the last paragraph of this memorandum in which Mr. Olney points out that "the FBI publicly announced its decision not to enter the investigation of the case, although the Bureau had been formally advised by the Criminal Division that the Bureau had the authority under the kidnaping laws to investigate the Damman case if the Bureau decided an evaluation of the circumstances and existing evidence justified such a course."

I further direct your attention to the next statement made in Mr. Olney's memorandum which reads as follows: "In view of this second abduction of a baby so close in time and space to the first, it is suggested that it might be desirable for the Bureau to reconsider its decision not to investigate the disappearance of Stephen Damman. It is also suggested that it might be desirable in the future for the Bureau to refrain from public statements of its declination to investigate abductions that are portrayed to the public as kidnapings by the newspapers, radio, and other agencies of public information because of the tendency of such statements to lead potential kidnapers to believe that this crime can be perpetrated without incurring the risks of a federal investigation and prosecution."

I address this memorandum to you only after careful consideration. If you will recall, this whole problem has been the subject of almost endless memorandums between the Criminal Division and this Bureau and I thought it had been completely resolved as a result of a conference which I had with you and in which you indicated that it was the responsibility of this Bureau to make the evaluation as to whether the Bureau was to exercise its investigative jurisdiction under the Federal Kidnaping Laws.

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Memorandum for the Attorney General

July 8, 1954

I frankly resent the second statement about which I have quoted from Mr. Olney's memorandum in which it is more than subtly suggested that the Bureau might be responsible in some extent for the recent kidnaping in view of the statement made concerning the Damman case. Mr. Olney is absolutely incorrect when he states that the FBI publicly announced its decision because this Bureau does not make any press announcements, but all of the same are cleared through Mr. Mallon and are released as a statement of the Department of Justice. You will further recall that in the Damman case you, as Attorney General, made several statements upon the lack of jurisdiction.

I advised you at the time of our conference about this matter that I would much prefer that this Bureau be relieved of the responsibility for reaching a decision as to when investigative jurisdiction existed under Federal Kidnaping Laws if there was going to be continued the harassment of petty and unwarranted criticism of the Federal Bureau of Investigation by Mr. Olney. It was only after you had made a definite decision that the Bureau would be solely responsible for making such decisions that I agreed to carry on as you desired.

The situation has now reached such a point that I must respectfully request and insist that this Bureau no longer be called upon to make such decisions but that all facts in any case of a missing person or a potential kidnaping be submitted to the Criminal Division and that that Division reach the decision and instruct this Bureau as to what it desires to have done. It seems to be utterly futile to put a cessation to the unwarranted and unfounded memorandums which Mr. Olney sees fit to address to me and frankly I do not have either the time or the inclination to continue such needless exchange of memorandums.

I would be pleased to be advised as promptly as possible that your decision will be along the lines that I have above recommended so that this Bureau may be henceforth relieved of responsibility and not subjected to such caustic memorandums from Mr. Olney.

Respectfully,

John Edgar Hoover
Director

Attachment

CC - Mr. William P. Rogers
Deputy Attorney General